

EXHIBIT E

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

SANTANA BRYSON AND JOSHUA BRYSON,
AS ADMINISTRATORS OF THE ESTATE OF
C.Z.B., AND AS SURVIVING PARENTS OF
C.Z.B., A DECEASED MINOR,

Plaintiffs,

v.

CASE NO. 2:22-CV-017-RWS

ROUGH COUNTRY, LLC,
Defendant.

The videotaped deposition of PAUL LEWIS,
JR., M.S., BME, taken on behalf of the Defendant,
taken pursuant to agreement of counsel, taken for
all purposes authorized by the Federal Rules
of Civil Procedure; the reading and signing
of the deposition being waived; taken before
Leita J. Seaborn, Certified Court Reporter,
commencing at 10:38 a.m., on this the 18th day
of March 2024, at the law offices of Cannella
Snyder, LLC, 315 W Ponce de Leon Ave, Suite 885
Decatur, Georgia.

1 Q. I think my question was very clear. I'm not
2 talking about your summary of any information. I'm
3 talking about the actual information itself. The
4 depositions, the expert reports, the documents you
5 reviewed -- those -- that material has not been
6 produced to us in this case to enable us to see what
7 you based your opinions in both Bacho and Mendoza on.

8 MS. CANNELLA: Objection to the form of the
9 question. Misstates the reality.

10 Q. Go ahead answer.

11 A. Well, this does produce the basis of what I
12 wrote the report on and the material that I relied on.

13 Q. I'm not saying -- I'm saying the actual
14 material. None of the actual material you relied upon
15 was produced by you to us in this case from your
16 opinions in Bacho and Mendoza.

17 A. Well, I would agree that probably the
18 depositions are not in there. I'm pretty sure reports
19 are, but, yeah, I didn't individually produce a medical
20 record or a deposition.

21 Q. Let's talk about -- you say on page 2 of this
22 report, you admit that the details of Mendoza and Bacho
23 are different from Bryson. Let's talk about what is
24 the same from Bryson. In Mendoza and Bacho the vehicle
25 was involved in the accident was equipped with a Rough

1 Country lift kit. We can agree on that?

2 A. Yes, sir.

3 Q. Were the vehicles involved in Mendoza or Bacho
4 the same as the vehicles involved in this case?

5 A. I think they both dealt with 2500 pickup
6 trucks, but the struck vehicle was -- one was a Mustang
7 and one was a Sienna minivan. But in all the cases,
8 basically the impacts were above where the expected
9 vehicle structures were that were meant to carry loads.

10 Q. Well, let's talk about that. When you say a
11 2500 pickup, are you saying that that's what was
12 involved in this case?

13 A. A 250, yes.

14 Q. Okay. And so in what other case between
15 Mendoza and Bacho was a Ford F250 involved?

16 A. Oh, I didn't say a Ford. One was a Dodge and
17 one was a Chevrolet.

18 Q. All right. So a Dodge 2500, RAM 2500 is not
19 the same vehicle as a Ford F250, is it?

20 A. It's still a three-quarter ton pickup truck.

21 Q. But that's the only similarity between those
22 two. You don't know the -- whether they're the same
23 height, whether they're the same weight, whether they
24 have the same coefficient of restitution and stiffness.

25 A. Well, I certainly -- some of that I would

1 never know to begin with, but I -- I don't have that
2 kind of detail memorized, no, sir.

3 Q. Okay. The incident that occurred in Bacho,
4 was it a rear-end collision?

5 A. No, sir.

6 Q. It was a side-swipe collision; correct?

7 A. It wasn't a side swipe. It was a side impact.
8 It was a T-bone.

9 Q. Well, that's what I meant to say. I'm talking
10 about a T-bone, a side-impact collision.

11 A. Yes, sir.

12 Q. And the collision in Mendoza was a frontal
13 impact collision.

14 A. It's kind of an offset frontal, yes, sir.

15 Q. Neither of them were a rear-end collision.

16 A. They were not.

17 Q. You would admit that the speeds of the
18 vehicles involved in those two incidents are not the
19 same as the speeds involved in the Bryson matter.

20 A. The Delta-v's were -- were different.

21 Q. All right. Do you know the size of the lift
22 kit in the Bacho case?

23 A. I -- I don't recall offhand, no, sir.

24 Q. Do you know the size of the lift kit in the
25 Mendoza case?

1 A. Not without going back and look.

2 Q. Do you know the height of the bumpers of any
3 of the vehicles if any of those cases?

4 A. If I go through the materials that I've
5 provided you I could find that.

6 Q. Well, if you'd like to. But you would agree
7 that they're not identical. Would you agree to that,
8 to the Bryson vehicles?

9 A. Without looking back, I -- I don't know for
10 sure.

11 Q. Okay. Well, you -- are you intending to give
12 any opinions that relate to Mendoza and Bacho other
13 than what's listed and described in your supplemental
14 report?

15 A. No.

16 Q. Okay. So let's talk about what your opinions
17 are that you intend to give in this case that relate to
18 Bacho and Mendoza. So what are they? I'm not sure I
19 understand this disclosure because it seems to cite
20 conclusions of experts in other cases. What exactly
21 are you intending to testify about in this case that
22 relate to Bacho and Mendoza?

23 A. That they are other examples of what --
24 exactly what we have here based upon the lifting of the
25 vehicle or the application of the Rough Country lift,

1 that you had created a significantly incompatible
2 vehicle-to-vehicle situation where you cause much more
3 catastrophic deformation of the occupant's survival
4 space for the individuals in the struck vehicle by
5 that; and thus you've also rendered that vehicle not
6 capable to utilize the as-designed safety features of
7 the cage and all to manage the energy to crumple zones
8 to help with the deformation and dissipation of the
9 energy. Rather you basically just have catastrophic
10 intrusion into the occupant survival space that
11 ultimately becomes catastrophically as far as
12 injuries -- sorry -- injury causation.

13 Q. You've testified multiple times today that
14 you're not qualified to give accident reconstruction
15 opinions. And you just said that you intend to give
16 opinions in this case related to accident
17 reconstruction issues in Bacho and Mendoza.

18 MS. CANNELLA: Objection to the form --

19 Q. Do you agree with that?

20 MS. CANNELLA: Objection to the form of the
21 question. Misstates his testimony.

22 A. Those words never even came out of my mouth,
23 so that's an absolutely mischaracterization of what I
24 just said. I'm basically talking about the actual
25 physical evidence of what the defamation profile is to

1 extensive knowledge of vehicles and looking at it.
2 Now, I'm not saying how the car was designed
3 differently or anything of that nature. I'm just
4 saying it's obvious that the deformation profile is
5 much greater because of the incompatibility of how
6 they're supposed to line up. I mean there's been a lot
7 of literature written about this especially from IIHS
8 and NHTSA about vehicle compatibility.

9 Q. Are you able to give testimony about vehicle
10 compatibility and the IHS comments about that? What --
11 what qualifies you to even talk about vehicle
12 compatibility?

13 A. From a performance standpoint and injury
14 causation standpoint. I'm not getting down into the
15 intricacies of the design itself, but certainly I don't
16 design a seat, but I certainly can talk about the
17 performance of a seat and how that may lead to injury,
18 just like whether an air bag does or doesn't go off and
19 how that may affect it. Certainly I'm not an air bag
20 designer either, but, you know, I don't know need to
21 know how to design the bag. I know what the purpose is
22 and how that may play a role in protecting or not being
23 able to protect an occupant.

24 Q. Well, your opinion basically is that in those
25 other two cases that the intrusion would have been

1 significantly lessened in the hypothetical situation of
2 those vehicles not having a Rough Country lift kit;
3 correct?

4 A. Yes, sir.

5 Q. And in order to give any opinion regarding
6 what intrusion may or may not have occurred in a
7 hypothetical crash, you would have to rely upon
8 accident reconstructionist's estimation or simulation
9 or testing with regard to what would happen in that
10 hypothetical crash; correct?

11 A. I did, and that information is contained in
12 the documents that I produced.

13 Q. Right. And I'm saying that you would have to
14 rely upon their opinions to make this conclusion.
15 They're not opinions that you yourself are qualified to
16 give.

17 A. I'm sorry. What -- what opinions am I not
18 qualified to give?

19 Q. The opinion that the intrusion in Mendoza and
20 Bacho would have been significantly lessened, the
21 safety features of the struck vehicles would have been
22 allowed to function as designed if there had not been a
23 lift in either Bacho or Mendoza. That specific opinion
24 on page 2 of your report.

25 A. No, that's from using other experts just like

1 Q. So that's your personal interpretation of the
2 testimony in this case from Mr. Hunsley, but you can't
3 cite to any specific place in his deposition where he
4 made this statement that you have on page 2.

5 A. I don't have the page or line right now, no,
6 sir.

7 Q. Okay. All right. Just real quick so I make
8 sure I understand this.

9 A. Okay.

10 Q. These stated similarities that you have in
11 this supplemental report related to Bacho and Mendoza
12 when compared to this case are that even striking
13 vehicle was equipped with a Rough County lift kit and
14 that the lift kits elevated the striking vehicles such
15 that there was structural intrusion that was
16 catastrophic. Did I fairly state your -- where you've
17 said the similarities between the cases?

18 A. Yes.

19 Q. Can you cite to any other similarities between
20 Bacho and Mendez -- and Mendoza -- sorry -- in this
21 case?

22 A. Well, Mendoza had a fatal head injury. And
23 Bacho also had a fatal head injury as well.

24 Q. Any other similarities?

25 A. I mean I think that's it. There was

1 significant intrusion into the occupants' survival
2 space, and they all received fatal blows to their head,
3 some directly from the actual lifted vehicle and some
4 from the structural intrusion (indicating).

5 Q. Right. So we -- we talked about that. Three
6 similarities.

7 A. Yeah.

8 Q. Rough Country lift kit; intrusion;
9 catastrophic injury to the head.

10 A. And three-quarter-ton trucks.

11 Q. All right. And -- among two of them? Or all
12 three or just two of them?

13 A. I thought the Chevrolet was as well.

14 Q. All right. Any other -- and that's -- that's
15 the full extent of the similarities between those two
16 cases and our case that you can cite to today.

17 A. Yes.

18 Q. Okay.

19 MR. HILL: Why don't we just take a five-
20 minute break and hopefully we'll be on to the last
21 subject or two.

22 THE VIDEOGRAPHER: The time is 3:19 p.m.

23 We're off video record.

24 (Video On)

25 (Recess taken)

1 (Video on)

2 THE VIDEOGRAPHER: The time is 3:33 p.m.

3 We're back on video record.

4 BY MR. HILL:

5 Q. Thank you.

6 Going back to the -- again, the report dated March
7 15 on the last page. You mention that, Since my
8 opinion report in this case I've received testing data
9 for two sets of testing that support my opinions in
10 this case.

11 I think we talked about this a little bit earlier.
12 What was the source of these two sets of tests? How --
13 how did you come to have them?

14 MS. CANNELLA: Asked and answered.

15 A. Ms. Cannella.

16 Q. All right. And did you ask her to go find any
17 testing that might support your opinions in this case?

18 A. No, I didn't. And really it's not necessarily
19 support per se, but it just shows some of the effects
20 of some of the accelerations on the head and the
21 expectation of no injuries.

22 Q. Right. But did you need either of those
23 reports in order to give your opinions that you've
24 listed in your October 16th report?

25 A. Not really no.

1 Q. Okay. And do you need them in this case in
2 order to give the opinions you intend to give in this
3 case?

4 A. No, not specifically, but, again, they just --
5 part of it talks about accelerations on the head and
6 obviously the lack of injuries.

7 Q. All right. But for Ms. Cannella sending these
8 to you, you would not have rely -- relied upon them
9 anyway in giving your opinions in this case.

10 A. Probably not.

11 Q. Okay. Let me mark, I guess -- the first one
12 referenced is -- doesn't have a title to it. It's
13 testing regarding a Chevy Astro and a Mercedes-Benz
14 van -- or a Chevy Astro van versus a Mercedes Benz
15 sedan. I'm going to mark, I guess, as this test -- and
16 you can confirm whether I'm right or not -- I believe
17 it's been produced as Bryson 9070 through 09118. Here,
18 you can look at that first. The last couple of pages
19 look like a summary; is that right?

20 A. Yes.

21 Q. All right. And then this -- the first part of
22 it is -- when I say first part whatever it is 9070
23 through 9114.

24 A. It's like the acceleration pulses like on the
25 head.

1 Q. Right.

2 A. And then what they used to ultimately look at
3 the HIC -- and that's all caps, HIC -- HIC values.

4 Q. Right. And when I'm marking this as this --
5 as whatever exhibit we're on --

6 MS. CANNELLA: Eight.

7 (Defendant's Exhibit No. 8 was marked for
8 identification.)

9 Q. Eight, is that the full extent of the testing
10 data set for the first test you reference in your -- in
11 your report of March 15th?

12 A. Yes.

13 Q. Okay. Tell me how that test shows that when
14 the intrusion is tempered -- scratch that.

15 Why don't you just explain to me in your own words
16 how this test in any way relates to this case so I can
17 understand?

18 A. If you look at the accelerations on the head,
19 the head acceleration and the X are basically the
20 direction that this crash is in. It was around 50 G's,
21 and ultimately the HIC value was a very low score. I
22 don't have it memorized, but I want to say in the
23 200's, so no expected probability of a fatal head
24 injury.

25 Q. All right. Well, tell me about how was this

1 test set up? What -- what vehicles were involved in
2 this test?

3 A. It was a Mercedes sedan that was offset left
4 rear impact into the back of a Chevrolet Astro van.

5 Q. All right. So this -- and so each of these
6 tests involved a Mercedes hitting the back of the Astro
7 van?

8 A. No. This is just --

9 Q. I was confused.

10 A. -- it's just one test with a Mercedes hitting
11 the back of an Astro van.

12 Q. Okay. So one test run at 59 miles per hour;
13 is that correct?

14 A. Yes, sir.

15 Q. All right.

16 A. So, you know, about roughly same impact speed
17 or close. So it's 59 and then, again, I was just
18 looking at the accelerations on the head.

19 Q. All right. And do you know what it means to
20 say Tracy Law Test at the top of the summary page 9115.

21 MR. HILL: Have you got -- I may have a
22 another copy if you need one. There's the
23 summary. And here, here's the other part.

24 MS. CANNELLA: Thank you.

25 Q. If you look at 09115 through 09118 it says,

1 Injury Summary.

2 A. Yes, sir.

3 Q. All right. And we have an injury summary for
4 the driver of the Astro van, that's 9115; the driver of
5 the Mercedes 9116; the right rear passenger in the
6 Mercedes is 9117; and the left rear passenger in the
7 Mercedes 9118; is that correct? Is that what this
8 injury summary's showing?

9 A. Yes.

10 Q. All right. And it says under, Test vehicle
11 CAL 3490 Tracy Law Test 6. Do you know what Tracy Law,
12 what's that referencing?

13 A. I don't.

14 Q. Do you know if these tests were performed in
15 connection with any kind of lawsuit?

16 A. I -- I don't know one way or the other.

17 Q. Do you know who performed this test?

18 A. Looks like Calspan.

19 Q. Who? I'm sorry?

20 A. Calspan (indicating).

21 Q. All right. And that's -- you're getting that
22 just from the test data sheet?

23 A. Yeah, they're -- it's a test facility.

24 Q. Okay. The test date is April 1, 2019.

25 A. Yes, it looks like.

1 Q. All right. At the top of the -- of 9115 it
2 says, Driver H3 (50th male), Serial Number 143 Injury
3 Summary.

4 What -- what does the H3 stand for? Do you know?

5 A. Hybrid III.

6 Q. And what does that mean? Is that the dummy
7 that was used in the test?

8 A. Correct.

9 Q. And 50th male, that means 50th percentile
10 of -- of male adult?

11 A. Correct.

12 Q. All right. And then what is the serial number
13 reference?

14 A. I guess the serial number of that particular
15 dummy.

16 Q. Okay. And so that's all referring to the
17 dummy used -- used in the test.

18 A. Yes.

19 Q. At least in that position in that vehicle.

20 A. Right. Because as you go through, each dummy
21 has a different serial number.

22 Q. All right. Great. And so similarly when you
23 look at 9116, the driver, HM -- so is that -- what does
24 that mean?

25 A. I'm sorry, which page?

1 Q. 9116.

2 A. Oh. Again, it's a hybrid III male.

3 Q. So if they're the same, why does one say H3
4 and one say HM?

5 A. I have no idea.

6 Q. And this one is the -- is a 95th percentile of
7 an adult male --

8 A. Right.

9 Q. Correct.

10 A. About 6-2, 220.

11 Q. Okay. And then I guess just to be consistent,
12 9117, the right rear passenger in the Mercedes Benz,
13 was a hybrid female 5th percentile adult?

14 A. Yeah, 5th percentile female, correct.

15 Q. All right. And then the left rear passenger
16 in the Mercedes was a Q10 dummy. Do you know what that
17 stands for?

18 A. I -- I don't. Let's see... I don't.

19 Q. That -- you're assuming that refers to the
20 type of dummy used; correct?

21 A. Yes.

22 Q. And we don't know anything about the
23 male/female percentile, adult/child. We can't tell
24 from the test; right?

25 A. No.

1 Q. All right. And do we know whether either of
2 these vehicles had a lift kit installed?

3 A. They did not.

4 Q. Do we know anything about the height of the
5 bumpers of either of these vehicles?

6 A. Standard of whatever the -- they're
7 manufactured as.

8 Q. Right. But we --

9 A. Probably 22 inches somewhere, but I don't know
10 specifically.

11 Q. Okay. You made a reference to the HIC values
12 and that's the head injury criterion?

13 A. Yes, sir.

14 Q. And so -- like, let's use 9115. This is a
15 measurement of the dummy in the Astro van that was
16 struck by the Mercedes in the test. Is that your
17 understanding?

18 A. You said 115?

19 Q. Yes.

20 A. Okay.

21 Q. The first page of the injury summary.

22 A. Yes.

23 Q. And that was a -- he was in a 1999 Chevrolet
24 Astro van.

25 A. Correct.

1 Q. Okay. and the HIC values appear to be under
2 the head criteria here, and there's two different
3 values. There's one says 36 MS. Is that 36
4 milliseconds?

5 A. It is.

6 Q. And is that is after impact?

7 A. It's during the crash because they integrate
8 over time the accelerations and then they take the
9 largest integral where you have the largest number.

10 Q. And so just so I understand it, so I
11 understand the crash goes longer than 36 milliseconds,
12 but is that a measurement of that value at 36
13 milliseconds into the crash, or is it the -- explain
14 that to me. Sorry.

15 A. So these are both what they call HIC 36 and
16 HIC 15. They're the eclipse. So what it's doing is,
17 in order to calculate HIC, it's an integration over
18 time. So it -- for -- if you're looking at 36, it's
19 iterating over looking at a 36 millisecond window
20 throughout the crash, and ultimately it takes the
21 largest one to create, and then it calculates out what
22 the HIC is, which then that gives you -- for the HIC 36
23 that gives you a 382 and then -- and that's the score
24 that you're looking at is to be under a thousand. So
25 that's significantly under a thousand, so there's a

1 very low expectation of any type of head injury.

2 And then if you look at the HIC 15, that's 218.

3 So, again, even lower and pretty much nowadays we
4 usually use the HIC 15.

5 Q. And that 15 is the same thing. It takes a 15
6 millisecond bracket within the accident sequence that
7 is the highest average level during that 15 millisecond
8 bracket.

9 A. Correct.

10 Q. Okay. And so, again, do you know anything
11 about the vehicle compatibility between a 2014 Mercedes
12 Benz E350 and a 1999 Chevrolet Astro van?

13 A. No, other than they're basically under the
14 standard lumbar heights that a -- regular vehicles are
15 manufactured at.

16 Q. That's all you know about the heights of those
17 vehicles.

18 A. Correct.

19 Q. And that's all you know about the
20 compatibility between the two vehicles.

21 A. Oh, yeah.

22 Q. Okay. And --

23 A. And I'm not really looking at that part. I'm
24 basically just looking at some accelerations on the
25 head.

1 Q. I understand. But you -- in order to evaluate
2 that with relation to this case you would need to know
3 whether the two vehicles are actually striking frame to
4 frame or not or whether there's override or underide.

5 A. Well, not really. I'm just looking at
6 accelerations and seeing whether they may or may not be
7 injurious.

8 Q. Okay. For the per -- for the dummy in the
9 particular passenger position of the type of dummy
10 used, that's what applies to each of these tests.

11 A. Right. Well, they -- they all have -- they
12 all have the same accelerometer in the head, it's just
13 they -- they're a different height and a different
14 weight. That's -- that's really the only difference.
15 The accelerometers are the same.

16 Q. Right. But the impact on the accelerometer
17 may be impacted by which type of dummy it's installed
18 into.

19 A. I don't know that that's necessarily for that
20 portion. Now the chest acceleration certainly could be
21 different based on the size dummy.

22 Q. Well, why would you need to vary the type and
23 size of dummy if it doesn't impact the accelerometer
24 measurements of the head?

25 A. Well, it could be affecting other body

1 portions.

2 Q. But you said in no way would it affect the
3 measurements of the H-I-C related to the head.

4 A. Unless -- not unless there's a significant
5 impact, I mean depending on how much weight you have.
6 But in general if you're just looking at the
7 accelerations -- because the heads weigh the same
8 between all of them.

9 Q. All right. Any aspect of this -- this testing
10 other than the head injury criteria that you rely upon
11 at all in your opinions in this case?

12 A. Well, again, I'm not necessarily relying on.
13 It's just some other data I looked at for accelerations
14 to the head and whether they may be potentially
15 injurious, assuming that we're going to have from the
16 hypothetical situation, you know, higher G's.

17 Q. And let's look at, let's say, the 9118. So
18 you've got a -- the 36th and 15 millisecond HIC values
19 are both 410.92.

20 A. Correct.

21 Q. All right. What is that value? Is that
22 acceleration? Is that -- I mean that's not G's. What
23 is it?

24 A. So what you're looking at is you've got G's on
25 the head of a 115 G's. So from that 115 G's that's

1 acting on the head, which is certainly way more than
2 45, that you've still only got a HIC value of 410. So
3 internally manufacturers typically use 700 as their
4 bogey value, but according to the standard, a thousand
5 is all you have to comply or be below.

6 Q. But what is that unit? What's the unit under
7 the column max?

8 A. That is the -- there's not a unit per se.
9 It's HIC, so it's head injury criteria. So it just
10 comes out as a number like that.

11 Q. I understand.

12 A. It doesn't have G's or pounds force or
13 anything of that nature.

14 Q. So it's not related to acceleration speed
15 or --

16 A. It is related to acceleration. Because you're
17 integrating the acceleration to come up with this
18 number. It's a big, long formula that basically the
19 computer does that.

20 Q. I understand that. So there's a HIC formula
21 that the computer calculates this number. It's
22 computed. That's where that source is computed --

23 A. Yes, sir.

24 Q. -- on this column. And it computes that based
25 upon the accelerometer in the head in the dummy.

1 A. Yes, sir.

2 Q. Okay. And it uses, obviously, those two
3 different time frame values maximum, puts it in the
4 formula and kicks out the number.

5 A. Right.

6 Q. I understand.

7 All right. All of these other values under --
8 under the head portion that talk about CG, X, Y, and Z
9 acceleration, head resultant acceleration. Are you
10 relying upon any of those to give any opinions in this
11 case?

12 A. Well, so those are the different vectors, and
13 so X is really the one that's going longitudinally, so
14 to speak, that's why we're seeing the highest because
15 obviously the accelerations are going planar along the
16 X axis, but you still combine all of them to get the
17 resultant that's on there. So, again, for this one
18 with everything combined, the brain -- we're still
19 seeing accelerations of a hundred and fifteen G's.

20 Q. And where do you get the 115 G's as the --
21 where is that from?

22 A. Head -- Under the CG Z, the head resultant
23 acceleration.

24 Q. Right. So which -- which value are you
25 looking at?

1 A. Oh. Well, we're on 118.

2 Q. You're -- I'm talking about on 118.

3 A. Right.

4 Q. So that -- that's not -- that max number head
5 resultant acceleration, you're saying that's in actual
6 G's because it says unit G's.

7 A. All -- all four of those measures right there
8 are in G's, correct?

9 Q. Okay. It says that head resulting
10 acceleration is computed.

11 A. It is.

12 Q. Okay.

13 A. Because that's square the sum of all three.

14 Q. All three of the X, Y, and Z?

15 A. Correct. But you can see the X's obviously
16 the -- significantly greater than -- than the other two
17 like going vertically or laterally.

18 Q. And that's true for the left rear passenger in
19 the Mercedes-Benz.

20 A. Correct.

21 Q. Right. If you look at the head acceleration
22 for the driver of the Astro van, the X acceleration is
23 minimal and the Z acceleration framework is higher.

24 A. It is, but it's still a total of 52 or almost
25 53 G's on the head.

1 Q. Again, we've talked about -- you -- you made
2 reference just a second ago to the 45 G calculation
3 from Mr. Buchner. And I think you've testified that --
4 that that -- you don't know where that's calculated.
5 That you -- you can't say that that's the G's he
6 simulated for the head that the head would experience
7 in the fourth seated position in -- in the Escape.

8 A. I think it is for the CG. I don't think it's
9 specific to the number four position.

10 Q. Right. So you think it's for the center of
11 gravity of the vehicle; right?

12 A. Yes, sir.

13 Q. And it's certainly not specific to the -- to
14 any of the acceleration axis for the head.

15 A. No, but it would be what's driving those but
16 -- correct. It's not specific to that seated position.

17 Q. Do you know whether Mr. Buchner in any way
18 measured the -- or simulated the head CG, X, Y, Z
19 acceleration values for any position in the Ford
20 Escape?

21 A. I don't.

22 Q. Okay. And does his simulation in any way
23 create a H-I-C value?

24 A. No.

25 Q. Okay. He could have done that with a actual

1 crash test using a dummy and the vehicles involved in
2 the Bryson incident.

3 MS. CANNELLA: Object to the form of the
4 question.

5 A. Well, you could, sure. I mean you could do --
6 I don't know if a -- maybe -- I don't know if a SLED
7 test necessarily would do that or not, but it's
8 possible.

9 Q. Right. So you have a SLED test as an option,
10 but you're not sure, because it's possible. And then
11 you could also like what was done in this case actually
12 crash the two vehicles involved in the Bryson incident
13 with an accelerometer inside the head of a dummy in the
14 number four position in the Escape.

15 A. Sure. Just like, I mean, the defendant could
16 have run some tests as well, right.

17 Q. I know you said you're not aware of the source
18 of this other than the test was done at Calspan, and
19 you said that was a testing facility you're aware of?

20 A. It is.

21 Q. And you don't know whether this involves a
22 particular lawsuit. I mean you've got very specific
23 types of dummies in specific locations in two specific
24 vehicles. Is it your understanding that this was
25 performed in connection with an actual case?

1 A. Like I already said, I don't know.

2 Q. You don't know?

3 A. Huh-uh (negative response).

4 Q. Okay. And likewise, do you have any
5 information regarding, you know, how this test was
6 performed? How it was set up? Who -- you know,
7 anything about it.

8 MS. CANNELLA: Objection, asked and answered.

9 A. I mean other than what I previously said, no,
10 I mean I certainly wasn't there or anything.

11 Q. Right.

12 A. Is that the piece that goes with this?

13 Q. It's probably connected to the back of this.

14 A. Okay. I just wanted to make sure I didn't
15 somehow get it in my stack.

16 Q. Anything else I didn't ask you about this test
17 that's relevant to your opinions?

18 A. No. And, again, it's not necessarily, you
19 know, that I'm relying on it per se, but it's just
20 looking at some of these accelerations and how they're
21 higher than what may be the expected acceleration and
22 they're not injurious. That's really the main point.

23 Q. What do you mean they're higher than expected?

24 A. Well, if you're only going to get 45 G's on
25 the car, these accelerations are -- some of them are in

C E R T I F I C A T E

(STATE OF GEORGIA)

(COUNTY OF GWINNETT)

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the proceedings were reduced to typewriting under my direction and control.

I further certify that the transcript is a true and correct record of the evidence given at the said proceedings.

I further certify that I am neither a relative or employee or attorney or counsel to any of the parties, nor financially or otherwise interested in this matter.

This the 1st day of April 2024.



LEITA J. SEABORN, CCR B-1420